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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,893	11/19/2001	Barry Brown	RJENK24.001AUS	1339

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,893

Applicant(s)

BROWN, BARRY

Examiner

Andre' L. Jackson

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— Th MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

The drawings are objected to because of inconsistent character of lines, numbers and letters. See the attached copy of the Draftsperson's Drawing Review for the list of informalities. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the direction" in lines 5 and "the plane" in lines 7 and 9. There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitation "the direction" in line 6 and "the plane" in line 8. There is insufficient antecedent basis for these limitations in the claim.

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Claim 9 recites the limitation "the plane" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,523,357 to Widditsch. Widditsch discloses a hook assembly for a bag, the hook comprising a planar attachment portion (26) for attachment to a mail bag, the attachment portion defining a longitudinal axis, a planar supporting portion (16) which extends from the attachment portion in a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture there-through and a retaining portion (40) which extends in a plane of the supporting portion and which partially occludes the aperture of the supporting portion, the retaining portion being resiliently deformable out of the plane of the supporting portion.

Claims 2-4, (Fig. 2) the supporting portion extends from the attachment portion and is an elongated structure with an annular portion terminating at a tip defining an aperture, with the retaining portion abutting the tip of the supporting portion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,645,353 to Linnell et al in view of Widditsch. Linnell et al discloses a mail bag assembly comprising a mail bag (20) having an edge region (26) defining an open end of the mail bag and a plurality of hooks (10), the hooks comprising a planar attachment portion (12) for attachment to the mail bag, the attachment portion defining a longitudinal axis (as seen in Fig. 1b), a planar supporting portion (14) which extends from the attachment portion in a direction of the longitudinal axis and which is generally coplanar with the attachment portion, the supporting portion defining an aperture there-through. However, Linnell et al does not disclose a retaining portion which extends in a plane of the supporting portion and which partially occludes the aperture of the supporting portion or that the retaining portion is resiliently deformable out of the plane of the supporting portion. Widditsch discloses a hook assembly including a lock mechanism (22). The lock mechanism includes a retaining portion (40), which occludes an aperture of a supporting portion (16) and the retaining portion is deformable out of a plane of the supporting portion (as shown in Figs. 2 and 3). The lock mechanism prevents the supporting portion from disengagement from an object even if a bag (12) connected to the supporting portion is moved violently.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the mail bag assembly of Linnell et al to include the hook assembly as taught by Widditsch to provide a mail bag assembly with a lock mechanism that prevents a mail bag from disengaging from supports of a mail bag frame even if the bag is moved violently.

*Conclusion*

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on common fasteners.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson  
Patent Examiner  
AU 3677

ALJ  
November 1, 2002

  
ROBERT J. SANDY  
PRIMARY EXAMINER